

### **REMARKS**

Claims 1-20 and 22-23 are pending in this application, claims 1 and 11 being the independent claims.

Claim 1 has been amended. Claims 22 and 23 have been added. No new matter has been added.

#### **Rejection Under 35 U.S.C. § 101**

Claims 1-10 stand rejected under 35 U.S.C. § 101 as being non-statutory for allegedly failing to be tied to an apparatus as allegedly required by recent court precedent. Claim 1 has been amended to be more consistent with court precedent. Applicant respectfully requests the rejection to be withdrawn.

#### **Rejection Under 35 U.S.C §102(b) and §103(a)**

Claims 1-6, 9-16, 19-20 stand rejected under 35 U.S.C. 102(b) as being anticipated by Vallone et al. (USP 6,642,939).

Claims 7-8 and 17-18 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Vallone in view of Pietraszak et al. (USP 6,847,779).

These rejections are hereby traversed for at least the following reasons.

Turning to the claims, claim 1 is directed to a method for recording a broadcast program. The method includes receiving a transport packet stream in which the program is embodied. The transport packet stream includes an indicator denoting a time at which the program ends. The transport packet is electronically stored and the indicator from the transport packet stream is extracted. The extracted indicator is decoded and the step of electronically storing the transport packet stream is terminated in accordance with the time denoted by the indicator. As discussed in Applicants' specification, in some embodiments the method of claim 1 may be performed by an end user device such as digital video recorder (DVR) system or a DVR subsystem that is incorporated in a set top terminal.

Vallone primarily describes a user display approach associated with a video recorder. Vallone indicates that one of the program features that may be displayed is program end time 3306. See col. 24, lns. 1-7 ('this gives the user a visual cue as to the duration of the program

time slot”). The program end time in Vallone appears to be merely contained within guide data. See, col. 23, lns. 31-37, discussing program guide area 2801. Vallone does not disclose a transport packet stream containing a program and an indicator denoting a time at which the program ends. Rather, Vallone appears to suffer from similar problems discussed in Applicant’s background of merely relying on guide data to determine a program end time.

Pietraszak also does not appear to disclose or suggest using a transport packet stream containing a program and an indicator denoting a time at which the program ends, and the rejection does not appear to rely on Pietraszak for such.

Accordingly, since Vallone does not show or suggest a transport packet stream, nor an indicator denoting a time at which the program ends, claims 1 and 11 and the claims that depend therefrom are believed to patentable over Vallone, alone or in combination with Pietraszak.

## **CONCLUSION**

Applicant submits that all of the claims are now in condition for allowance, an indication of which is respectfully solicited. If the Examiner believes there are still unresolved issues, a telephone call to the undersigned would be welcomed.

The Commissioner is authorized to charge any fees that may be due and owing as a result of this Amendment to the undersigned attorney’s PTO Deposit Account #50-1047.

Respectfully submitted,

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